

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**FIRST APPEAL No. 6034 of 1995  
With  
FIRST APPEAL No. 6035 of 1995**

**For Approval and Signature:****HONOURABLE MR.JUSTICE KS JHAVERI**

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1 Whether Reporters of Local Papers may be allowed  
1 to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy  
3 of the judgment ?

Whether this case involves a substantial question  
4 of law as to the interpretation of the  
constitution of India, 1950 or any order made  
thereunder ?

5 Whether it is to be circulated to the civil judge  
5 ?

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**HEIRS & LEGAL REP. OF SURYAKANT SHANTILAL SHAH -**

**Appellant(s)**

**Versus**

**TRANSPORT MANAGER, AMTS & 1 - Defendant(s)**

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**Appearance :**

MR VIBHUTI NANAVATI for Appellant(s) : 1, 1.2.1, 1.2.2, 1.2.3  
MR HS MUNSHAW for Defendant(s) : 1 - 2.

MR MP PRAJAPATI for Defendant(s) : 1.2.1, 1.2.2

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**CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**

**Date : 06/02/2012**

**ORAL JUDGMENT**

**1. These appeals have been preferred by the original**

claimants against the judgment and award dated 31.03.1994 passed by the Motor Accident Claims Tribunal, Ahmedabad in M.A.C.P. No. 81/1990 and 82/1990 whereby, both the claim petitions were dismissed with costs.

2. The facts in brief are that original claimant of MACP No.81/1990 and original claimant of MACP No.82/1990 are husband and wife. On 15.04.1990, original claimant of MACP No.81/1990 alongwith his wife was going on the scooter No.GBA-1418 and at that time, one AMTS bus, driven by original opponent No.1 came with full speed and in negligent manner and dashed with the scooter. As a result thereof, both the claimant sustained injuries. Therefore, they filed claim petitions before the Tribunal, which came to be dismissed. Being dissatisfied with the said judgment, the appellants have preferred the present appeals.

3. Heard learned counsel for the parties. It has been submitted on behalf of the appellants that the Tribunal has erred in holding original claimant of MACP No.81/1990 solely negligent for the accident. However, having gone through the impugned judgment, I find that the Tribunal has in detail examined the aspect of negligence and rightly held the original claimant-Suryakant Shah solely negligent for the accident. I am

in complete agreement with the reasonings given by and the conclusion arrived at by the Tribunal and hence, I find no reasons to entertain the present appeals.

4. For the foregoing reasons, both the appeals are dismissed. No order as to costs.

**[K. S. JHAVERI, J.]**

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